

REMARKS

Claims 1 through 20 are currently pending in the application. Claims 1, 3, 6, 7, 14, 15, and 16 have been amended.

Original claims 1-20 were first introduced in the parent application (U.S. Application No. 09/643,670) to the present application (U.S. Application No. 10/826,346). In a December 17, 2003 Office Action in the parent application (hereinafter "Final Office Action"), the Examiner rejected original claims 1-5 and 11-20 under 35 U.S.C. § 103(a) as being unpatentable over "AAPA" in view of Sobel et al. (USPN 3,670,323, hereinafter "Sobel et al.") and indicated that claims 6-10 contained allowable subject matter. Applicants have appealed the rejection in the parent case.

By this Amendment, however, Applicants have included in all of the pending independent claims, the allowable subject matter excerpted from claim 6. Specifically, Applicants have included in pending claims 1, 14, 15, 16 (the pending independent claims), the following subject matter as excerpted from allowable claim 6:

* * *

an encapsulating structure;
a first aspect medium within said encapsulating structure, and
a plurality of second aspect elements within said encapsulating structure;
wherein each of said plurality of second aspect elements comprises
 a second aspect inner layer, and
 a second aspect outer layer;

* * *

Applicants further note the amendments to pending claims 3 and 7, correcting selected terms to reflect proper antecedent basis.

In view of the foregoing amendments and remarks, Applicants request timely allowance of all pending claims.

Application Serial No. 10/826,346
Suppl. Prel. Amdt. dated June 14, 2004

Please grant any extensions of time required to enter this amendment and charge any additional required fees to deposit account 24-0037.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____



James J. Boyle
Reg. No. 46,570

Dated: June 14, 2004